Zoning Text Amendment No.: 11-03

Concerning: Special Exception Standards

- Professional Offices

Draft No. & Date: 1 - Introduced: April 12, 2011

Public Hearing:

Adopted:
Effective:
Ordinance No.:

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By: Councilmember Rice

## **AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- amend the standards for allowing professional non-residential offices near public safety facilities; and
- generally amend the provisions for professional non-residential offices allowed as a special exception.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-G-2 "SPECIAL EXCEPTIONS-STANDARDS AND

REQUIREMENTS"

Section 59-G-2.38 "Offices, professional, nonresidential"

**EXPLANATION:** Boldface indicates a Heading or a defined term.

<u>Underlining</u> indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.

<u>Double underlining</u> indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

\* \* indicates existing law unaffected by the text amendment.

## **ORDINANCE**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1	Sec. 1. Division 59-G-2 is amended as follows:					
2	DIVISION 59-G-2. SPECIAL EXCEPTIONS-STANDARDS AND					
3	REQUIREMENTS					
4	* * *					
5	Sec. 59-G-2.38. Offices, professional, nonresidential.					
6	(a) An existing single-family structure may be used for professional office					
7	purposes by any member or members of a recognized profession, such as a					
8	doctor, lawyer, architect, accountant, engineer, or veterinarian, but not					
9	including the following:					
10	[(a)](1) a medical, dental or veterinarian clinic;					
11	[(b)](2) an in-patient treatment facility; or					
12	[(c)](3) a general business office, such as an insurance company office,					
13	a trade association, a manufacturing company, an investment					
14	company, a bank, or a real estate company.					
15	(b) The property must [be] satisfy one of the following criteria:					
16	[(a)](1) <u>be</u> located in a central business district that is designated as					
17	being suitable for the transit station-residential (TS-R) zone on an					
18	approved and adopted sector plan;					
19	[(b)](2) <u>be</u> designated as suitable for a nonresidential professional office					
20	in the R-60 zone on an approved and adopted master or sector plan					
21	and located along a highway with an existing right-of-way width of at					
22	least 90 feet or along a portion of an arterial road designated as a					
23	boundary of a Central Business District; [or]					
24	[(c)](3) <u>be</u> located in the R-90 zone and:					
25	[(1)](i) designated as historic in the Master Plan for Historic					
26	Preservation;					

27		[(2)]	<u>(ii)</u> loo	cated along a highway with an existing right-of-way of		
28	at least 120 feet; and					
29	[(3)] <u>(iii)</u>			ntain a structure formerly used for nonresidential		
30	purposes[.]; or					
31		(4) <u>be lo</u>	cated in th	e R-200 zone and abut a fire station, police station,		
32		<u>ambı</u>	ılance squ	ad, or rescue squad on more than 1 lot line.		
33	(c) The Board must find that the property:					
34		[(a)] <u>(1)</u>	will not o	constitute a nuisance because of traffic or physical		
35	activity;					
36		[(b)] <u>(2)</u>	will not a	affect adversely the use and development of adjacent		
37	property;					
38		$[(c)]\underline{(3)}$	will have	e at least 25 percent of the lot area devoted to green		
39		area.				
40	<u>(d)</u>	The Board	may allow	for other than a building designated as historic in the		
41	Master Plan of Historic Preservation, the exterior of the premises to be					
42	changed, altered or modified provided the single-family character and the					
43	basic residential appearance of the building are retained. A historic area					
44	work permit must be obtained before any work may be done to alter the					
45	exterior features of [an] <u>a</u> historic structure.					
46	* *	*				
47	Sec. 3. Effective date. This ordinance takes effect 20 days after the date of					
48	Coun	cil adoption.				
49						
50	This is a correct copy of Council action.					
51						
52						
53	Linds	M Lauer (	Tlerk of the	e Council		